

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

|  |   |
|--|---|
| <b>In re: BRIDGESTONE/FIRESTONE, INC.,</b> | <b>) Master File No. IP 00-9373-C-B/S</b> |
| <b>TIRES PRODUCTS LIABILITY LITIGATION</b> | <b>) MDL NO. 1373</b>                     |
| <hr/>                                      | <b>)</b>                                  |
| <b>THIS DOCUMENT RELATES TO ALL</b>        | <b>)</b>                                  |
| <b>ACTIONS</b>                             | <b>)</b>                                  |

**ENTRY FOR JANUARY 23, 2003**

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. Victor Diaz reports that there is a moratorium on visas being issued by the United States embassy in Venezuela due to the fact that all non-essential personnel have been withdrawn from the embassy. This will make it impossible for plaintiffs and other witnesses to travel from Venezuela to the United States for depositions in the foreseeable future, unless they obtained a visa prior to the moratorium. Mr. Diaz suggested that these witnesses should be deposed by videoconferencing, so as not to delay the progress of discovery. The defendants object to taking certain "key" depositions by videoconferencing. The magistrate judge determines that the parties should identify all Venezuelan witnesses in Waves 1 and 2 whom the defendants agree may be deposed by videoconferencing, along with those who already have visas, and schedule those depositions first. Once that has been completed, it may be necessary for the magistrate judge to address the issue of whether additional witnesses should be deposed by videoconferencing, even though they fall into the category of "key" witnesses whom the court previously has ruled the defendants are entitled to depose

live in the United States.

2. Mr. Diaz also reports that the plaintiffs need to depose the defendants' Venezuelan law expert before they respond to the defendants' motion for partial summary judgment in the Venezuelan cases. After discussion, the parties agreed that: (1) the plaintiffs will serve their Venezuelan law expert report(s) within the next two weeks, and at least 10 calendar days prior to the deposition of the defendants' Venezuelan law expert; (2) the parties will make every effort to schedule the deposition of the defendants' Venezuelan law expert during the first half of February, and this deposition will be conducted via videoconferencing, if necessary; and (3) the parties will agree upon a deadline for the plaintiffs' response to the motion for partial summary judgment that falls after the completion of the deposition.
3. The parties report that they believe they have resolved the issue regarding the use in this MDL of John Lampe's deposition taken in Tennessee state court.
4. In the Entry for January 10, 2003, the deadlines relating to case-specific expert reports in all Second Wave foreign accident cases were presumptively extended by 60 days. The parties request that the 60-day extension be applicable to all deadlines in those cases, except those relating to foreign law experts. The parties also request that all case management deadlines in the foreign accident cases in Wave Four and beyond be extended by 60 days, to correspond with the extension of the Third Wave deadlines which also was granted in the Entry for January 10, 2002. The magistrate judge agrees, and will issue a separate order regarding those deadlines.

5. The parties agree to, and the magistrate judge approves, an extension until Monday, January 27, 2003, for the defendants to file their reply in support of their Pearl *Daubert* motion.
6. In the *Haenske* (IP 01-5325), *Hempel* (IP 01-5326), *Blochwitz* (IP 01-5327), *Ordaz* (IP 01-5343), *Diaz* (IP 01-5344) and *Engel* (IP 01-5347) cases, all of which arise out of the same accident, an issue has arisen regarding Mr. Baumgardner's expert opinion, and specifically which tire he opines caused the accident. The parties are attempting to resolve the issue among themselves, but in the meantime the defendants request, and the magistrate judge grants, an extension to **February 7, 2003**, to file dispositive and *Daubert* motions in those cases.
7. The parties agree that the defendants may submit monthly, rather than weekly, reports regarding their efforts to obtain medical and other records in the Venezuelan cases.
8. The issue of modifying the schedule for briefing the pending dispositive and *Daubert* motions in the Venezuelans cases was discussed briefly. The parties shall confer on the issue and report to the magistrate judge at the next discovery conference.
9. The next telephonic discovery conference will be held on **Thursday, February 6, 2003, at 3:00 p.m.** Mark Merkle will arrange the call and notify counsel and the magistrate judge of the arrangements. Agendas for the conference shall be exchanged and submitted to the magistrate judge by **5:00 p.m. on Tuesday, February 4, 2003.**

ENTERED this \_\_\_\_\_ day of January 2003.

---

V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

Copies to:

Irwin B Levin  
Cohen & Malad  
136 North Delaware Street  
Indianapolis, IN 46204

William E Winingham  
Wilson Kehoe & Winingham  
2859 North Meridian Street  
Indianapolis, IN 46206-1317

Randall Riggs  
Locke Reynolds LLP  
201 N. Illinois St., Suite 1000  
P.O. Box 44961  
Indianapolis, IN 46244-0961